

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3499 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

KESARBEN

Versus

STATE OF GUJARAT

Appearance:

MR MI HAVA for Petitioner

Ms MANISHA LAVKUMAR, AGP for Respondents

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 13/07/1999

ORAL JUDGEMENT

Heard Mr MI Hava, learned counsel for the petitioner and Ms Manisha Lavkumar, learned AGP for the respondents.

2. The petitioner has challenged the order dt. 23-12-1991 passed by the State Government under Section 34 of the Urban Land (Ceiling & Regulation) Act, 1976.

It is an admitted fact that the authorities have not taken over possession of the land in question from the petitioner, which fact is not in dispute in view of the written instructions dated 23.6.1999 received by the learned AGP from the Section Officer, Revenue Department.

3. The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999, passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the order impugned in the present petition does not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

4. The petition is accordingly disposed of as having abated. There shall be no order as to costs.

July 13, 1999 (M.S. Shah, J.)

sundar/-